

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUS CARRETE,

Plaintiff,

v.

No. 21-cv-0678 SMV/JHR

NEW MEXICO RACING COMMISSION,

Defendant.

RULE 58 FINAL ORDER

The Court enters this order pursuant to Fed. R. Civ. P. 58(a). Having granted Defendant's Motion to Dismiss in Lieu of Answer for Failure to Comply with Rule 1-075 [Doc. 3] and denied Plaintiff's oral motion to amend count one of his Complaint in a Memorandum Opinion and Order issued on December 23, 2021 [Doc. 18],

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that counts two through four of Plaintiff's Complaint are dismissed with prejudice for failure to state a claim. Count one of the Complaint is dismissed without prejudice.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent